

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

ROBERT ROMAN,

Defendant.

SIPA LIQUIDATION

Adv. Pro. No. 08-01789 (SMB)

(Substantively Consolidated)

Adv. Pro. No. 10-04292 (SMB)

**DECLARATION OF HELEN DAVIS CHAITMAN IN SUPPORT OF DEFENDANT'S  
OPPOSITION TO THE TRUSTEE'S MOTION TO COMPEL DISCOVERY  
PURSUANT TO FED. R. BANKR. P. 7037(a)(3)(B)**

I, Helen Davis Chaitman, hereby declare, under penalty of perjury pursuant to 28 U.S.C.  
§1746, as follows:

1. I am a partner with Chaitman LLP, counsel to defendant Robert Roman  
("Defendant").
2. I am a member of the bars of New York and New Jersey, and of this Court.

3. I submit this declaration in opposition to the Trustee's motion to compel discovery pursuant to Fed. R. Bankr. P. 7037(a)(3)(B).

4. I sent a memo, the *Chaitman Email*, to all of my clients, including Robert Roman, who are defendants in clawback actions brought by the Trustee.

5. I did not intend for any of my clients to disclose the memo, which contains my "mental impressions, conclusions, opinions or legal theories," to anyone else.

6. Without my knowledge, Robert Roman forwarded the memo to Bernard L. Madoff so that he would understand the context in which I was seeking his declaration.

7. I did not learn that Robert Roman had forwarded my memo to Mr. Madoff until after he had done so.

Dated: September 6, 2017

**CHAITMAN LLP**

/s/ Helen Davis Chaitman

465 Park Avenue

New York, New York 10022

Phone and Fax: (888) 759-1114

Helen Davis Chaitman

[hchaitman@chaitmanllp.com](mailto:hchaitman@chaitmanllp.com)

*Attorneys for Defendant Robert Roman*